

EXHIBIT “B-2”

Deposition of John Jewett (Vol. II)

J.J. and J.B. v. DGG TASER, Inc., et al

Leon County, FL Second Judicial Circuit

Case No. 37-2005 CA 001569

1 IN THE SECOND JUDICIAL CIRCUIT
2 IN AND FOR LEON COUNTY, FLORIDA

3 CASE NO. 37-2005 CA 001569

4 J.J. and J.B.,
5 Plaintiffs,

6 vs.

7 DGG TASER, INC., a Florida For Profit Corporation,
8 and TASER INTERNATIONAL, INC., a Delaware For
9 Profit Corporation,
10 Defendants.

11 _____
12 CONTINUED -- VOLUME II

13 DEPOSITION OF: JOHN JEWETT

14 TAKEN AT THE INSTANCE OF: The DEFENDANT

15 DATE: April 14, 2006

16 TIME: Commenced at 1:30 p.m.
17 Concluded at 4:05 p.m.

18 LOCATION: 822 North Monroe
19 Tallahassee, FL

20 REPORTED BY: JUDY CHIN
RPR, CRR

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2

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1 STIPULATIONS

2 The following deposition of JOHN JEWETT

3 was taken on oral examination, pursuant to notice,

4 for purposes of discovery, and for use as

5 evidence, and for other uses and purposes as may

6 be permitted by the applicable and governing

7 rules. Reading and signing is not waived.

8 * * *

9 Thereupon,

10 JOHN JEWETT

11 was called as a witness, having been first duly

12 sworn, was examined and testified as follows:

13 DIRECT EXAMINATION

14 BY MR. ROPER

15 Q Mr. Jewett, we are back on the record.

16 I think when we stopped I was asking you about the

17 details surrounding your exposure to the Taser

18 weapon on January 26, 2004?

19 A Yes.

20 Q Let me recap a couple things. First of

21 all, is your recollection that the person that was

22 exposed to the Taser immediately before you was

23 Ali Perbtani?

24 A I can't say immediately, but he is the

25 only one that I remember that went before me.

85

1 Q And for the court reporter, A L I, P E R

2 B T A N I.

3 Do you have a recollection of whether he

4 was the only person before you or were there other

5 people exposed as well?

6 A I don't remember for sure. I know he

7 went before me. I know there wasn't like a bunch.

8 There may have been like one person between him

9 and me. I just don't remember.

10 Q Was this training session filmed or

11 recorded in any way, to your knowledge?

12 A I don't remember. I honestly don't

13 remember.

14 Q You don't remember anyone there with a

15 video camera?

16 A I'm not saying there wasn't. I just

17 don't remember.

18 Q Now, if you will explain to me, there

19 was a difference between the manner in which

20 Perbtani was exposed to the Taser as compared with

21 what you were exposed, correct?

22 A In the way that the leads were attached

23 to the body, yes.

24 Q In his instance, the weapon was actually

25 fired and the two probes went into his body?

1 A Yes.

2 Q Describe for me exactly how the probes
3 were attached to your body for your exposure.

4 A As you are aware, there are two wires
5 that come out of the weapon or cartridge, and then
6 the barbs are on the end.

7 After Mr. Perbtani was exposed, those
8 barbs were cut, torn, however the bars were
9 removed, which left two wires with nothing on the
10 end.

11 The wires were subsequently taped, one
12 to my upper left shoulder -- or the back of my
13 left shoulder and one to the back of my left hip,
14 they were taped there (indicating).

15 Q All right. What I want to try to do as
16 carefully as possible is try to get the exact
17 location of where the probes were taped.

18 You were indicating for me as you were
19 testifying -- I can see where you were pointing
20 to. Let's try to do it for the record, if we can.

21 First of all, you are indicating the
22 back of your left shoulder area?

23 A Yes. My left scapula, I guess it is

24 what it is called.

25 Q Was the lead taped approximately in the
87

1 middle of your shoulder?

2 A Well, I provided pictures.

3 MR. MOYE: Off the record for a second.

4 (Discussion off the record.)

5 BY MR. ROPER

6 Q What I'll do for the record, we will

7 mark copies of these as Exhibits 1, 2 and 3 to the

8 deposition.

9 Let me show you a photograph, sir, which

10 I will mark a copy as Exhibit 1 to your

11 deposition.

12 (Exhibit No. 1 marked for

13 identification.)

14 BY MR. ROPER

15 Q First of all, the person in the picture

16 is you, correct?

17 A Yes.

18 Q And there are two little burn marks, one

19 on your left shoulder there and down on the left

20 hip area?

21 A Yes.

22 Q Is that the location in which the leads

23 from the Taser weapon were taped to your body?

24 A Yes.

25 Q When was that photograph taken?

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1 A It would have been within days of the

2 date I was exposed. I couldn't tell you the exact

3 day. That was a Friday, I believe, the training,

4 and I believe this would have been either the

5 Saturday or Sunday.

6 Q Okay.

7 And this photograph here which I will

8 mark as Exhibit 2, that's a close up of the burn

9 mark?

10 A On my hip.

11 (Exhibit No. 2 marked for

12 identification.)

13 BY MR. ROPER

14 Q Exhibit 3 is the burn mark on your

15 shoulder?

16 A Yes.

17 (Exhibit No. 3 marked for

18 identification.)

19 BY MR. ROPER

20 Q Have these burn areas healed?

21 A They don't look like that any more.

22 The one on my hip, you can still see it.

23 It is not as bad.

24 The one on my shoulder has kind of --

25 it's changed. It is now a raised -- I don't know
89

1 what you call it. You can definitely see it.

2 There is definitely a discoloration. It looks

3 like a healed wound of some sort.

4 Q They are still visible to some extent?

5 A Yes. The one on my shoulder especially.

6 Q Do you recall who it was that taped the

7 leads to you?

8 A I believe it was the instructor. I'm

9 pretty sure.

10 Q Who was holding you on your side when

11 you were exposed?

12 A As best I can remember, it was Ali

13 Perbtani, who is a deputy sheriff, and then Jeff

14 Coleman, who is a lieutenant now.

15 Q Do you recall being given any

16 instructions before you were exposed by the

17 instructor in terms of what you should or

18 shouldn't do?

19 A Um-hum.

20 Q What did he say?

21 A I remember him telling us as a group --

22 From what I remember, it was more for

23 the instructions for the people holding them than

24 it was necessarily for the one getting exposed.

25 That the person was going to be standing up, the

90

1 person getting exposed, the person on the side

2 supports him by the arm, to grab him, to not let

3 him fall, hold him up, and once the cycle had run

4 its course, to gently let them go to their knees.

5 Q So the instructions were to keep holding

6 them in a standing position during the five-second

7 cycle?

8 A Yes. And not let them fall.

9 Q And then let them down to the ground

10 after the five-second cycle?

11 A If I remember right, they said they are

12 going to naturally want to go to their knees, they

13 will kind of want to collapse, don't let them fall

14 after the cycle is done, let them go to their

15 knees.

16 Q Now, you assisted in holding Mr.

17 Perbtani before you were exposed, correct?

18 A Yes.

19 Q And you were able to see and feel what

20 happened to his body, correct?

21 A I could see. I don't want to say feel.

22 Q You felt him tense, right?

23 A Yeah, I guess you could say I felt him

24 tense.

25 Q And you felt him and saw him raise up

91

1 onto his toes?

2 A He went up on his tiptoes, yes.

3 Q Do you have a conscious recollection of
4 what your body did during the time that you were
5 being exposed to the Taser?

6 A I just remember --

7 I don't think I went up on my tiptoes
8 like he did. I just remember having everything
9 getting real tight. I think I just tightened up
10 and just remember a God awful amount of pain. I
11 mean, that's really all that I remember. I didn't
12 lose conscious or anything. I am not trying to
13 insinuate that. I just remember immense pain.

14 Q When you say you felt everything tighten
15 up, what part of your body are you talking about?

16 A From toe to the top of my head.

17 Q And why do you say that you don't think
18 you went up on your tiptoes?

19 A I just don't specifically remember doing
20 it. Somebody watching me would probably have a
21 better vantage point. I just don't remember doing
22 it.

23 Q During that five-second cycle, where

24 were you experiencing pain?

25 A I mean, have you ever --
92

1 Everywhere. I mean, it's like when you
2 kind of get shocked by a wall socket or something
3 along that line, it resonates through your whole
4 body. There wasn't one area during those five
5 seconds that was worse or not as bad. I just
6 remember --

7 It's hard to put in words. It is a pain
8 I never felt before. It was just over my whole
9 body.

10 Q The pain or discomfort that you were
11 experiencing was not limited to the left side of
12 your body between the area of the two probes?

13 A Not during the cycle. Ugh-ugh.

14 Q Do you have any recollection --

15 I know you told me that you felt your
16 whole body get tight, I think those were your
17 words; correct?

18 A That's the best words I come up with.

19 Again, I want to stress it is hard to

20 explain. It is not like a pain of getting burned

21 or someone punching you. It is a pain that is

22 hard to explain. That's the best I can explain

23 it.

24 Q Do you recall any particular movements

25 that your body made during the time that you were

93

1 being exposed to the Taser?

2 A As far as actually moving, I don't

3 believe I moved much at all. One, I was being

4 held in place by those other two officers. I

5 don't think --

6 I mean logic would tell you it is an

7 electrocution-type thing that your body would

8 probably -- but I don't remember any of that.

9 Q That's what I'm after. I'm after what

10 your actual recollection is from that day.

11 A I don't remember ever moving, not until

12 they allowed me to go to my knees.

13 Q Do you have any specific recollection of

14 either bending forward with your torso or bending

15 backward with your torso while you were being

16 exposed to the Taser?

17 A No.

18 Q And when I say exposed to the Taser, you

19 know I'm talking about the five-second cycle of

20 electricity?

21 A Right. I don't remember moving during

22 that five seconds.

23 Q Do you remember saying anything during

24 the five-second cycle?

25 A Impossible to even talk.

94

1 Q Do you remember anyone saying anything

2 to you or hearing anything during the five-second

3 cycle?

4 A They could have had a band playing

5 behind me and I don't think I would have heard it.

6 Q What do you recall happening after the

7 five-second cycle was over?

8 A I remember an immense pain in my back.

9 This was the first time that it was centralized in

10 my back -- in my whole back. And it went down to

11 my knees, and I remember I couldn't breathe. I

12 felt like I had -- had the wind knocked out of me

13 very, very badly.

14 Q Do you recall experiencing all those

15 things while you were still being held up?

16 A Well, you mean right as the cycle is

17 done, they are allowing you to go to your knees;

18 so, no.

19 I remember the pain as I was standing,

20 and then I remember on my knees when it started to

21 centralize itself toward my back, when I couldn't

22 breathe.

23 Q Do you have a recollection of actually

24 going down to your knees and then down to the

25 ground after the cycle was over?

95

1 A I don't think I went to the ground.

2 Q So --

3 A I went flat --

4 I remember being on all fours at one

5 point trying to catch my breath, but I don't

6 remember ever going like flat, prone on the

7 ground.

8 Q So the two officers that were holding
9 you would have let you down to your knees?

10 A Yes.

11 Q And then they would have released your
12 hands -- your arms, rather?

13 A At some point I think they did. Yeah.

14 Q At that point in time you would have
15 gone down to the ground on all fours?

16 A I don't know if that was immediately
17 when they let go of me.

18 I just remember I couldn't breathe. I
19 don't know if you ever had the wind knock out of
20 you; it's scary. I remember trying to force
21 oxygen into my lungs. I couldn't breathe.

22 I remember there were a lot of people
23 around me. They kept asking me if I was all
24 right, if I was all right. I remember telling
25 them -- I couldn't hardly talk. I remember barely

96

1 getting out, "just give me a minute."

2 At the time I just thought I had the
3 wind knocked out of me, that when you get the wind

4 knocked out of you it would slowly come back.

5 I remember being on all fours and I

6 remember trying to breathe, and I remember hurting

7 bad, and I was having a real hard time breathing.

8 Q And you say the pain was in your whole

9 back?

10 A Yes.

11 Q So it wasn't just limited to the area of

12 your spine, it was all through --

13 A From what I remember I couldn't -- it

14 was throughout my back. Again, I wasn't sitting

15 there trying to figure out, okay, where exactly is

16 this pain. I just remember it hurting over my

17 whole back.

18 Q What did you do next, sir?

19 A I stayed on my hands and knees for -- I

20 hate to put a time on it, because it seemed

21 forever. It probably wasn't that long. A couple

22 minutes. Again, they kept asking me if I was all

23 right.

24 From Deputy Perbtani who had gone

25 before, I had asked him what was it like. He

1 said -- well, I don't remember his exact words,
2 but basically it hurt pretty bad for those five
3 seconds, but when it was over, it wasn't that bad.
4 I remember him saying something about his calf was
5 sore. I remember that's what he told me.

6 So I just remember thinking, well,
7 either -- I remember him having this. So I just
8 remember --

9 I initially had a thought that I pulled
10 a muscle in my back. I don't know why I thought
11 that. I just assumed at the time that I pulled a
12 muscle in my back.

13 After like the two minutes I stood up,
14 and I was able to breathe. I mean, I was not dead
15 or anything. I was able to get oxygen in. I was
16 still sore. I was able to force oxygen in, take
17 deep breadths to breath, and I started trying to
18 stretch out, because I thought the muscle had just
19 pulled itself or it was cramping real bad.

20 I was touching my toes, trying to
21 stretch that muscle. Of course, the pain was

22 getting worse. I was able to breathe, so that
23 part -- the scary part of not being able to
24 breathe was going away, but the pain in my back
25 was getting progressively worse by the minute.

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1 Q Did you tell the instructor that you
2 were having problems?

3 A It was very obvious. He asked me over
4 and over and over again if I was all right.

5 Q After you were exposed to the Taser, was
6 anybody else exposed?

7 A If there was, I was hurting bad, I
8 definitely would not have been paying attention.
9 I don't remember. Then we went to lunch pretty
10 quick. I don't remember.

11 Q Did you ride to lunch with some other
12 officers?

13 A Oh, yeah. There was no way I drove.

14 Q Who did you ride with?

15 A I don't know for sure. I think Robert
16 Dees.

17 The only reason I say that is I know I

18 rode with him back from the restaurant. So I am
19 assuming that I rode with him. For some reason I
20 remember the ride back, but I don't remember the
21 ride there. I don't know why.

22 Q And how long were you at lunch?

23 A We just went to Wendy's. I know it took
24 me a while to get in the car.

25 Again, I kept thinking it was a pulled
99

1 muscle that was -- spasm muscle, it was going to
2 keep getting better. I was not worrying about it
3 too much. I remember being at Wendy's. I went
4 and sat down. They ordered for me. I was sick to
5 my stomach it was hurting so bad. They ordered my
6 food. I couldn't eat it. They ate.

7 The instructor was actually at Wendy's
8 with us. I remember him asking me a bunch of
9 times if I was all right. I kept telling him I
10 think I'm going to be fine, I think it is just a
11 muscle.

12 Q This is the same Mitch Gray?

13 A Mitch Gray; I think that's his name.

14 The instructor, whatever his name is, was there.

15 Q I should have asked this before: Was

16 there only one instructor there?

17 A As far as I know, yes.

18 So back to your question, how long were

19 we there. My best estimate, 20, 30 minutes at the

20 most.

21 Q Where did you all go after lunch?

22 A They all went back.

23 Robert Dees drove me to Wal-Mart. I was

24 going to get some Domes, believe it or not. We

25 were still operating under the assumption that I

100

1 pulled a muscle in my back. They were going to

2 get me the strongest muscle relaxer they had

3 over-the-counter.

4 We got to Wal-Mart. Robert Dees was

5 driving. I think he was the only one in the

6 vehicle. We were in his car. I couldn't get out.

7 I tried to get out, and the pain was just

8 unbearable.

9 He went in, got the medicine. I took

10 some of that. Then we went back to the police
11 department.

12 Q What happened next?

13 A We got there. Again, I had a lot of
14 trouble getting out of the car. He asked me on
15 the way there if he wanted me -- if I wanted him
16 to take me to the hospital. I told him no at that
17 point. You know, again, I thought I pulled a
18 muscle.

19 We got back there. I couldn't walk up
20 the stairs. He went and found somebody. We found
21 out there was an elevator. We were on the second
22 floor. At least we were above the ground floor.
23 I'm not sure if it was the second or third floor.

24 We got on the elevator, got back into
25 class. I sat down. I remember he went back into
101

1 some lecture. I think it was on the projector and
2 he was talking --

3 Q He being the instructor?

4 A He being the instructor. I remember
5 trying to pay attention to him and not wanting to

6 cause a huge ruckus, but the pain was getting bad.

7 I remember he asked me several more

8 times are you okay. That was the first time I

9 told him I don't know. I said, it's hurting very,

10 very bad.

11 I remember him telling me specifically

12 if I need to stand up or I need to move around,

13 feel free to do so. I remember doing that several

14 times. I remember standing, sitting, like every

15 minute, trying to relieve it in any way I could.

16 It wasn't getting better.

17 It wasn't very long after we got back

18 and he started class, I mean maybe ten minutes --

19 I am guessing ten, 15 minutes, and then I started

20 getting worried, and I said I'm going to the

21 hospital.

22 I said it, or he might have asked if I

23 was all right. Anyway, at some point I said I

24 need to go to the hospital.

25 Q Did you drive yourself to the hospital

102

1 or someone took you there?

2 A No. Jeff Coleman took me to the
3 hospital.

4 Q Okay. And do you recall the name of the
5 hospital that you went to?

6 A No. I actually went to two places up
7 there. One was a full-blown large hospital. The
8 other one was more like I would call it a clinic.
9 I went to the hospital first.

10 Q This is in Valdosta?

11 A Yes.

12 Q And what happened at the hospital?

13 A This angers me still to this day:
14 Anyway, I struggled to get up the stairs. There
15 were these concrete stairs going to the emergency
16 room. I'm in immense pain now. I stand up there
17 it seemed like forever waiting on somebody. She
18 finally comes over and basically tells me that
19 because it is a workers' compensation claim that I
20 couldn't come there. She told me I had to go all
21 the way across town. I was in a lot of pain,
22 angry. I don't think -- I didn't say anything to

23 her, but Jeff Coleman came around and got all the
24 information about where the place was and where he
25 needed to take me.

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1 Then we went back down the stairs, back
2 in the car, and went across town to this clinic.

3 Q Do you remember the name of that clinic?

4 A I have no idea. I know it was in an
5 industrial area. It was pretty small. It wasn't
6 very big.

7 Q What happened once you got to the
8 clinic?

9 A I went in there. Of course, they asked
10 me what was wrong. I told them. They put me back
11 in a room. Again, the pain was just -- it was
12 unbearable. And I'm begging them for something,
13 pain medicine, muscle relaxers, something to help
14 my pain go away. Of course, the nurse wouldn't
15 give me anything until the doctor saw me.

16 The doctor came in, asked me what
17 happened. I told him. He asked me if I fell
18 down. I explained to him, like I explained to

19 you, no, I was held up, and the electricity went
20 through. The doctor had no idea pretty much what
21 a Taser was. I had to explain to him what the
22 device was. I explained basically everything that
23 I just explained to you.

24 He said, well, I don't see any reason
25 doing x-rays because you didn't fall. Of course,
104

1 I'm not a doctor. He said it is probably a pulled
2 muscle or muscle spasm or muscular. Okay, is what
3 I told him.

4 At that point I was beginning to think
5 that maybe there was more to it, but again, I'm
6 not a doctor, so I trusted him. He did give me a
7 shot. I don't remember what it was. I don't
8 think it was a pain reliever. I think it was a
9 muscle relaxer of some sort. I think he wrote me
10 a prescription and sent me on my way.

11 Q And the name of that facility that you
12 were seen at was South Georgia Medical Center?

13 A I don't know.

14 Q Or Southside Medical Clinic?

15 A All I know, there was a big hospital we
16 went to and then we went to the clinic across
17 town.

18 Q South Georgia Medical Center is also
19 Convenient Care. That sounds like the walk-in
20 clinic.

21 A I mean, if I was to look at medical
22 records, I could probably tell you. Offhand, I
23 don't remember the names.

24 Q Did you receive any treatment at all at
25 the first hospital you went to?

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1 A No. Other than to talk to the lady
2 behind the window, that was it.

3 Q Did the doctor give you a physical
4 examination when you went to the clinic?

5 A Well, I mean, it depends on what your
6 definition of physical exam is.

7 If I remember right, he touched my back
8 and asked me questions. He was in there maybe
9 five minutes.

10 Q You apparently told him that you had

11 muscle spasms in your back?

12 A I told him what happened. I told him my
13 back had a lot of pain. Again, he asked those
14 questions. I didn't know what it was.

15 Q Do you recall him telling you that he
16 didn't think it was necessary to take x-rays?

17 A He said --

18 I remember him saying, since you didn't
19 fall, I don't think we need to do x-rays.

20 Q Did he prescribe medication for you?

21 A He prescribed some medication, the nurse
22 gave me a shot, and then he gave me a
23 prescription. I think that was for some pain
24 medicine, hydrocodone.

25 Q The record indicates you got Valium and
106

1 Toradol, and you were given a prescription for
2 Flexeril and Darvocet.

3 A It could have been.

4 Q What did you do after you left the
5 clinic?

6 A There was no way I could drive. This

7 was getting to be later in the afternoon now,

8 3:00, 4:00 o'clock if I had to guess right. Maybe

9 not that late. Maybe 2:00, 3:00 o'clock.

10 I made a determination that I was not

11 going back to the class. I couldn't. I was

12 actually starting to feel a little bit better, I

13 am assuming because of the pain medicine they gave

14 me and the shot. I was still hurting, but the

15 severity was starting to back off some.

16 Jeff Coleman, if I remember, I think we

17 were in my car, my patrol car. I think he was

18 driving it -- it might have been his. I'm not

19 sure.

20 Anyway, we both had vehicles in

21 Valdosta. If he's going to drive me home, that

22 raises the issue -- it is not like we are across

23 town. I remember him getting on the phone and

24 calling Robert Dees or somebody else in the class

25 and making some arrangements about the vehicle

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1 issue. We never went back there, not that I

2 remember.

3 And then he drove me to Lake City.

4 Q About how far is the ride from Valdosta
5 to Lake City?

6 A From the interstate, like in Valdosta,
7 45 minutes. But I think, if I remember right, we
8 were all the way east through Valdosta. I
9 remember it took a little bit longer than that, an
10 hour, hour and 15 minutes.

11 Q What happened once you got back to Lake
12 City?

13 A The pain started getting worse again.
14 At this point --

15 That's when I remember really believing
16 that it was more than just a muscle issue, that
17 something was wrong. I didn't know what, of
18 course. I felt like it was more than just a
19 muscle pull.

20 So I told him to take me to the
21 emergency room there.

22 Q At Lake City?

23 A Lake City Medical Center.

24 Q What happened once you got there?

1 hour out in the emergency room. Then I saw the
2 little nurse -- not nurse, the intake, the one
3 that wants your insurance information and all
4 that. I told her what took place. A nurse came
5 out, said, well -- basically told me since I just
6 seen a doctor I need to follow that doctor's order
7 and come back in a few days if it wasn't better or
8 to go see my primary care physician, which I
9 didn't have one. They refused to see me.

12 A I have no idea. I did not go back --

16 Q The doctor never examined you?

18 Q On January 16, 2004, did you explain to
19 the doctor what had happened?

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21 Q You told him the whole story like you
22 told it to me today?

23 A I mean, I can't say that I went --

24 We have been here for several hours now.

25 Of course, some of that wasn't about the injury.

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1 But I can't say I went into the detail that we
2 were going into here. Yes, I told him what took
3 place.

4 Q All right. Okay. What happened after
5 that?

6 A My wife came and --

7 Jeff Coleman left. My wife came and
8 picked me up. I remember we went and got
9 prescriptions filled at the pharmacy right near
10 there. As far as I remember, we went home.

11 Q And what did you do the following day?

12 A Well, ate hydrocodone like it was going
13 out of style, because the back was hurting so bad.

14 The very next Saturday I remember I
15 tried to get up --

16 Well, I did get up. My wife drove us to

17 our daughter's soccer game. I remember standing
18 there for like ten minutes. I couldn't do it. So
19 I went back and sat in the van for the next 30, 40
20 minutes until the game was over. Then we went
21 back home.

22 Q When is the next time that you received
23 any medical treatment?

24 A That Sunday morning I woke up, and I was
25 just in an immense amount of pain. It was

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1 literally all I could do to get out of bed.

2 I woke up laying on my back. I remember
3 this like it was yesterday. The pain was so bad I
4 could hardly roll over, get up. My wife helped me
5 get out of bed. We had just had our twins six
6 months before, so between my twins and my daughter
7 it was too much for my wife. I couldn't drive
8 myself to the hospital. There was no way I could
9 get her, load the kids up Sunday morning. It was
10 6:00 o'clock. It was early.

11 I called Coley Campbell, a road sergeant
12 at the time. I think he was a sergeant. I asked

13 him to come by and get me and take me to the
14 hospital.

15 Q What happened during this hospital visit
16 on the 18th?

17 A They took me back to Lake City Medical
18 Center. He dropped me off. He left. He was
19 working, so he couldn't stay there with me.

20 We went through the same procedures,
21 insurance, all that typical stuff. I finally got
22 back to see a doctor. Basically he asked me the
23 same exact questions. I told him the exact same
24 answers. He ordered some x-rays. I remembered
25 going and doing the x-rays.

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1 I remember him coming in, and I remember
2 his exact words to this day, "you are not going to
3 believe this," and he said you have two
4 compression fractures in your vertebrae. He
5 showed the x-rays to me.

6 Q And so that was the first time that the
7 compression fracture injury was diagnosed by any
8 medical professional?

9 A Yes.

10 Q Do you recall the name of that doctor?

11 A No. I know his face. I can definitely

12 know him if I saw him again.

13 Q But he is one of the ER doctors there?

14 A He is a doctor in the ER, Lake City

15 Medical Center on that Sunday morning.

16 Q What did he recommend for you?

17 A Since it was a workers' compensation

18 case, he recommended me --

19 Well, he recommended me to an orthopedic

20 specialist.

21 Since it was a workers' compensation

22 case, I had to go to a Dr. Sambey. I guess he was

23 on the contract with the workers' compensation

24 carrier, or whatever. So he set up an appointment

25 for him. And that was Monday morning. It was a

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1 holiday. I think it was Martin Luther King day, I

2 think.

3 Q Where is Dr. Sambey located?

4 A In Lake City.

5 Q How do you spell his name?

6 A I think it is S A M B E Y. You know, I
7 say Dr. Sambey. It was his office. I'm not
8 100 percent sure it was him I saw. It could have
9 been somebody that was in there with him.

10 Q What did Dr. Sambey do for you?

11 A I don't remember that visit a whole lot.
12 I remember basically looking at the x-rays again,
13 confirming, that, yes, I had the two compression
14 fractures. I remember he gave me this brace thing
15 and told me to wear it and said that I needed to
16 go see a spine surgeon, or I think they used more
17 technical terms than that, in Gainesville.

18 Q Was that the only visit you ever had
19 with Dr. Sambey or his office?

20 A Well, it's kind of complicated. Because
21 the guy in Gainesville that he sent me to also one
22 day a week comes to Lake City and operates out of
23 that office. So I went back to that office, but I
24 think, if I remember right, every time I went back
25 to that office after that it was to see the other

1 guy.

2 Q Was the orthopedic surgeon in
3 Gainesville that he referred you to Dr. Trimbel?

4 A That is the orthopedic surgeon. Dr.
5 Sambey referred me to Dr. Trimbel.

6 Q And what you are telling me, on occasion
7 you would see Trimbel at Sambey's office?

8 A Well, it's aggravating, too. I didn't
9 find out that he came to Lake City once a week
10 until like two months into this. So, no, I went
11 down to Gainesville like five or six times before
12 I found out that he came to Lake City.

13 Q Do you recall when you saw Dr. Trimbel
14 for the first time?

15 A Not exactly. I remember it was like a
16 week -- it might have been longer before I could
17 get in to see him.

18 Q What did he do for you initially?

19 A Examined me, and I think he took more
20 x-rays. No. Someone ordered an MRI. I don't
21 remember if Dr. Sambey ordered that and it was

22 already done when I went down there or if I went

23 down there and then they had me do the MRI. I

24 can't remember what order.

25 Q But did you have an MRI done?

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1 A Yes.

2 Q Where did you have that done?

3 A Southern MRI, I think is the name of it.

4 Q Where is that located?

5 A It's in Lake City. They have like a

6 semitrailer looking like thing that had some

7 attachments on it. It was next to -- it was on

8 Hall of Fame Drive in Lake City.

9 Q Do you recall what Dr. Trimbel -- what

10 sort of treatment he provided for you ultimately?

11 A Well, really no treatment, other than

12 prescribing medicine, pain medicine. He basically

13 said that normally -- I remember him telling me it

14 is very rare to see that kind of injury in

15 somebody that is as healthy and young as I am. He

16 said that was strange. He said it is not unheard

17 of, but he said normally when he deals with

18 patients with that injury it is older people that

19 have fallen or been in car accidents.

20 He said normally he recommends

21 something-plasty, something where they insert the

22 balloon into the spine and fill it up with cement

23 to support it. He said normally when it is

24 someone that is older, he recommends that, because

25 it gives them quality of life. He said somebody

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1 as young as me, while that was an option, he said

2 he wouldn't recommend it right away because it

3 could cause more complications than it could help.

4 So basically it was take it easy. Of

5 course, he did the no lifting, nothing over

6 10-pounds, I think. He gave me all those

7 restrictions.

8 He gave me all the medicines,

9 anti-inflammatories. There might have been an

10 antibiotic in there even, and the pain medicine.

11 He told me to rest and see what happened at the

12 next visit.

13 Q Did he give you any kind of brace?

14 A I think the brace came from Dr. Sambey.

15 Q Were you wearing a brace, though?

16 A I wore it for --

17 I'm pretty sure what it was -- Dr.

18 Sambey gave it to me on my first visit.

19 I think when I went down there, I

20 remember Dr. Trimbel, I think he said that because

21 the compression fracture was so high that the

22 brace wasn't doing any good, that I didn't even

23 need to wear that.

24 Q The compression fractures were at the

25 T5/T6 levels?

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1 A If that's what the medical records say.

2 Q In looking through the records here,

3 obviously it appears that you followed up with

4 Dr. Trimbel for a number of visits?

5 A Um-hum.

6 Q Did you generally see him or did you see

7 somebody else in his office?

8 A No; I always saw him.

9 Q When is the last time you saw him?

10 A I don't remember. I went back to work

11 in March. I know I saw him after that some. I

12 couldn't tell you. It hasn't been recent.

13 Q The last record I have here, and I don't

14 mean this is the last time you saw him, it is just

15 the last record I have, the last one I have is

16 from December of '04.

17 A That sounds about right. Again, I can't

18 swear to that. That sounds about right.

19 Q And Dr. Trimbel released you to go back

20 to work in March of '04?

21 A I think it was March. He basically put

22 it on me. He told me when I wanted to try it. I

23 think it was like late March that I told him that

24 I wanted to see if I could do it.

25 Q Did you initially go back to work on a

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1 light-duty status?

2 A No. We did not have light duty.

3 Q You went back on full duty?

4 A Full duty.

5 Q Did you have any limitations or

6 restrictions on your activities at that time?

7 A From the doctor or from --

8 Q From the doctor.

9 A No. I would have not have been allowed

10 to come back to work if I had any.

11 Q In between March of '04 and when you

12 left the Sheriff's Department in January of '05,

13 did you miss any time from work due to your back

14 injury?

15 A Oh, yeah. I mean, there were days I

16 couldn't go to work. There were probably a lot of

17 days I had to go home early. It is the same

18 situation, I had a lot of comp time. They were

19 real good with us flexing our time. I probably

20 wouldn't have any paperwork.

21 Q So there would be no way to document

22 or --

23 A I know there's people that work with me

24 that knew I went home, like my corporal, the one

25 underneath me who supervised the shift in my

1 absence, I know he would know I went home that day

2 because my back was hurting, or I had to go home,

3 or I didn't come to work because my back was

4 hurting.

5 Q What is the name of that corporal?

6 A Josh McCardle.

7 Q And he would have reported to you at the

8 time?

9 A Yes. Of course, there is a chain of

10 command, but I was his direct supervisor.

11 Q But as far as the sheriff's office is

12 concerned, there wouldn't be any --

13 A Sick leave slip, no.

14 Q Did Dr. Trimbel ever take you out of

15 work again for any extended period of time?

16 A No.

17 Q And since you were able to use flex

18 time, did you actually lose any income after going

19 back to work in March of '04 up until the time --

20 A If you put a value on comp time or sick

21 leave, which I would have used, because not all of

22 it was able to be flexed out.

23 Q Do you have an estimate as to the amount

24 of comp time or sick leave you used?

25 A I really don't.

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1 Q Did Dr. Trimbel release you from his

2 care in December of '04?

3 A I think so.

4 Q Has he ever made any recommendations for

5 you with respect to future surgery or other future

6 medical treatment?

7 A He said the big thing with me, because

8 there's not a lot of people my age that have had

9 this type of injury, that the future is kind of

10 like an unknown. He said, you know, he doesn't

11 think I'm in any immediate danger, like of having

12 a major problem with it like soon. He said he

13 doesn't know what the effects of it will be when

14 I'm 50, that kind of thing. He told me since I'm

15 so young he didn't recommend that surgery. He

16 didn't feel like the benefits would outweigh the

17 risks. He left the decision up to me.

18 And since my major complaints were not

19 directly on the injury site but at the muscle

20 spasms that resulted from it, he said that there
21 were other physicians who could better help me,
22 physical therapists, et cetera, with that type
23 treatment.

24 Q And is that why he referred you to Dr.
25 Puente?

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1 A Yes. Yes.
2 Actually, I don't think he referred me.
3 He referred me to the physical
4 therapists. Of course, I was going to the
5 physical therapists while I was seeing him. I
6 kept seeing the physical therapists after that.
7 They did some good, not a whole lot, to
8 be honest with you. So I quit going. He referred
9 me to a massage therapist for a while, and that
10 was great while they were actually doing the
11 massage and getting all the spasms worked out.
12 Fifteen minutes after I would leave, it would be
13 right back. I did that for eight weeks, I think.

14 Q When did you have that massage therapy?

15 A I don't know the name of the place. I

16 could tell you where it is. It is right on Duval
17 Street in Lake City. I don't know if the place is
18 even there anymore.

19 Q That was on a referral from Dr. Trimbel?

20 A Trimbel. Not directly to them. He just
21 recommended that I get some massage therapy. He
22 called it into my workers' compensation. Workers'
23 compensation found the place.

24 Q Are you currently treating with Dr.
25 Puente?

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1 A I only see him every so often. More
2 than anything it is just an update on my
3 medications. I guess you could say yes.

4 Q Where is he located, again?

5 A He is in Lake City.

6 Q He is a doctor that is like the
7 rehabilitation or physical medicine doctor?

8 A I think. I don't actually see him all
9 that often. It is more his physician's assistant.
10 Then he also has a physical therapy place in
11 there. I am not actually doing physical therapy

12 anymore.

13 What happened is, I wasn't doing
14 anything for about six, eight months, because I
15 basically got told time is the only thing that's
16 going to heal with this, so I just dealt with it.

17 But it got so bad again. I remember at
18 one point I just said I have to do something. So
19 I called workers' compensation back, because I
20 wasn't under the care of any specific doctor at
21 that point. I talked to them and said, listen,
22 I'm having problems. So they set me up with Dr.
23 Puente or his office.

24 Q When is the last time you had any kind
25 of physical therapy or massage therapy?

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1 A I'm guessing now. The last physical
2 therapy, six months ago.

3 Q Is it your understanding that the two
4 compression fractures at T4/T5 have stabilized?

5 A Well, I don't know.

6 Q The doctor didn't tell you that?

7 A He may have. I mean, I don't remember

8 that specific term.

9 Q At least as of today's date no doctor
10 has recommended any future surgery for you?

11 A Recommended, no.

12 Q Have you seen any other health care
13 provider for treatment to your back since
14 January 16, 2004 up until the present?

15 A Okay. We talked about the hospital, the
16 two hospitals that I went to -- the three
17 hospitals that I went to on the day of the injury.
18 I went to the hospital on Sunday and saw the
19 doctor. I went to Dr. Sambey, to Dr. Trimbel, the
20 MRI, Dr. Puente's office. I don't know what the
21 credentials of the physical therapists are, if
22 they are doctors. I don't think they are doctors.
23 I saw his physician assistant in the office. I
24 don't think I have seen anybody else.

25 Q And has all of your medical care been
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1 paid for by the workers' compensation carrier?

2 A Yes.

3 Q And that's --

4 A I mean, there has been an occasional
5 prescription to get filled, and they gave me a
6 hard time, and I just pay the \$10 for my co-pay,
7 things like that. But generally --

8 Q And your workers' compensation is
9 a company called --

10 A PCGS, Preferred Governmental Claim
11 Solutions. They are out of Lake Mary, I think.

12 Q Do you presently have any appointments
13 to see any physician for your back?

14 A I have an update --

15 When I leave Dr. Puente's office, after
16 I see his physician assistant, they automatically
17 schedule me for a visit every three months.

18 Yes, I do. I don't remember when it is.
19 That's when I go in there, are you having any more
20 problems, anything changed, how is your
21 medications, and that's pretty much it.

22 Q Now, you mentioned earlier that the
23 problems that you were having are not directly in
24 your spine or related to your spine, but it is

25 muscle spasm on the side of your spine, is that

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1 what you are saying?

2 A That's the area --

3 The doctors told me it is directly

4 related to the injury. I'm telling you what I

5 feel, it's not centralized pain right above the

6 spine. It is off to one side.

7 Q Which side are you having pain on?

8 A The right. My right.

9 Q Is that where you are having the muscle

10 spasm, on the right side?

11 A Yes. Well, I will have one occasionally

12 on the left. It is almost the exact same spot

13 symmetrical-wise, but that one doesn't happen all

14 that often. The one on the right is the severe

15 one.

16 Q Are you still having symptoms of muscle

17 spasm on the right side of your back?

18 A I'm spasming right now.

19 Q How often do you have that?

20 A Every day.

21 Q Do you have it every day?

22 A No.

23 Q How often during the course of the day

24 do you have it?

25 A It totally depends on what I'm doing.

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1 It depends on a lot of factors. Some days I wake

2 up with it, go to sleep with it, and everything in

3 between. Other days it's relatively not bad.

4 When I compare it to the days where I have it all

5 day --

6 It really just depends on different

7 factors.

8 Q Is there anything that you do that seems

9 to either cause the symptoms to commence or cause

10 them to get worse?

11 A There are some things that --

12 I've tried to figure that out over the

13 two years so that I don't do things that make it

14 bad. I don't know that conclusively.

15 But some things that I kind of

16 associated with it is standing up for long periods

17 of time, more than like an hour, lifting anything
18 heavy, any kind of stress. If I have a really
19 busy day at work, just generally like a stressful
20 day, that tends to aggravate it. Those are just
21 some things I noticed.

22 There are other times when it flares up
23 very badly and I -- I can't put anything with it.
24 I haven't been on my feet, I haven't had a
25 stressful day at work, I have not lifted anything,

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1 it is like there it is. Like today, I got in the
2 car and drove here and I have been sitting in a
3 chair sitting down all day and it is hurting
4 fairly bad right now.

5 Q Well, most people would say talking to a
6 lawyer would cause pain.

7 A Yeah; but I have done that enough.

8 Q How about medications, any medications
9 you take help?

10 A They relieve it. Yeah.

11 Q When you say you lifted something heavy
12 and it causes you pain, how much weight are you

13 talking about?

14 A Well, I try not to lift anything heavy.

15 Lifting my kids at times will aggravate it.

16 It is not like if you twist your knee,

17 you know the exact moment you did it, you felt it,

18 I twisted my knee. With my back it might not --

19 it is not like the spasm comes on the split

20 second; it might be a half hour after I do

21 something.

22 That's why I say it is hard sometimes to

23 associate the spasm with did something trigger it.

24 I guess sometimes. I will think my back is

25 hurting and think back over the last few hours and

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1 try to think did I do anything. A lot of times I

2 can't think of anything. Other times I will think

3 I lifted the kid up a few times. I don't know if

4 that's what caused it or what. I just know that

5 now my back hurts.

6 Sometimes I know exactly what it is,

7 standing up. If I stand up for more than an hour,

8 like when I teach, it becomes very painful.

9 Q Prior to January 16, 2004, had you ever

10 had any injury of any nature whatsoever to your

11 back?

12 A To my back, no.

13 Q Have you ever had any pain or discomfort

14 in your back prior to January 16, 2004?

15 A No.

16 Q Have you ever had any instance in which

17 you may have aggravated or exacerbated the injury

18 in your back since January 16, 2004?

19 A Not that I know of.

20 Q Prior to January 16, 2004, had you ever

21 been diagnosed with any degenerative condition in

22 your spine?

23 A No.

24 Q At any point in time have you ever been

25 diagnosed with osteoporosis or deterioration of

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1 the bone or ligaments in your body?

2 A They did a bone density test, and she

3 did tell me that they did it two places, they did

4 it -- I guess where they always do it, the hip and

5 on my spine. I remember Dr. Puente's physical --

6 what do they call it, physician assistant told me

7 that my hip was fine. She said that my spine was

8 a little low. She said there was nothing to be

9 worried about. She characterized it still in the

10 normal range. She said that it may have also been

11 because they did a scan where the injury was. So

12 she told me I didn't have to do anything with it,

13 did not need to be worried about it.

14 Q When was that bone density test done?

15 A I'm guessing now. Seven, eight months

16 ago. I'm thinking it was summer of last year.

17 No. It might have been more toward the fall. It

18 has been a while.

19 Q Have either of your parents ever had any

20 problems with arthritis or degenerative conditions

21 of the spine or back?

22 A No.

23 Q Any of your parents ever had problems

24 with osteoporosis?

25 A No.

1 Q Do you have siblings?

2 A Yes. Two sisters.

3 Q Have either of them ever had those types

4 of problems?

5 A No.

6 Q What are your sister's names?

7 A Lori; her last name is Edwards. Dawn;

8 and her last name is Vargo, V A R G O.

9 Q Where does Lori live?

10 A Lori lives in -- I call it Savannah. It

11 is not actually in the city proper of Savannah.

12 It is in -- it is out like 15 miles straight west

13 of Savannah along the interstate that goes out of

14 there. There is a small town Pembroke. She

15 doesn't live in Pembroke, it is in that area

16 there.

17 Q How about Dawn?

18 A She lives in Lake City, Columbia County.

19 Q Has Dr. Trimbel ever discussed with you

20 the mechanism of how you sustained the injury to

21 your spine or how he believes that occurred?

22 A Yes. He said due to his opinion it was

23 the extreme muscle contraction due to the shock
24 from the Taser that caused the collapse in the
25 vertebrae.

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1 Q Did he tell you how he came to that
2 conclusion?

3 A Well, if he did, I don't remember.

4 Q Would it be fair to say that you knew
5 prior to being exposed to the Taser that the Taser
6 was going to cause muscle contractions in your
7 body, correct?

8 A Did I know that? I wouldn't say I knew
9 that. I mean, I kind of figured that, I mean,
10 using some common sense.

11 Q Weren't you also told that
12 specifically --

13 A By --

14 Q -- by the instructor that day?

15 A I don't recall specifically. He could
16 have. I don't remember, though. I think I
17 remember in general him saying the effects of the
18 Taser and the pulse and all that cause muscle

19 contractions, if that's what you are getting at.

20 I remember him saying that.

21 Q That was before you had been exposed to

22 the Taser?

23 A Yeah.

24 Q Prior to January 16, 2004, had you ever

25 sustained any sort of orthopedic injury?

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1 A I had a K-9 dog in training bite my

2 finger and break it.

3 When you say orthopedic, you mean bone,

4 right? Are you talking about specifically on my

5 spine?

6 Q No, whole body. Bones or joints.

7 A I had a finger broken. I think I

8 sprained a knee one time wrestling with a kid up

9 on a bridge.

10 I can't think of anything else. It has

11 just been bumps or scrapes or cuts. I don't think

12 I had any joint or bone injuries.

13 Q Other than this incident here, have you

14 had any other workers' compensation claims?

15 A Oh, yeah. I remember.

16 You have to remember I was a law
17 enforcement officer for 12 years. Our policy any
18 time you receive an injury, you go get it looked
19 at.

20 So, yeah, I've been --

21 Most of them are very minor things.

22 Yes, I had workers' compensation claims.

23 Q Where would you normally go to get
24 checked out if you had a workers' compensation
25 claim?

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1 A A hospital. One of the local hospitals
2 if it was after hours and it was an emergency.

3 If it was something it could wait,
4 whoever the contracted provider was.

5 Q What other hospital is there in Lake
6 City other than Lake City Medical Center?

7 A Lake Shore Hospital.

8 Q 2002 through 2004, who was the
9 contracted medical provider back then?

10 A It changed all the time. I think most

11 of the time we would go to Lake Shore Hospital.

12 Q Had you ever been involved in any

13 automobile accidents?

14 A Yes.

15 Q How many?

16 A You want minor, right?

17 Q Let's say any automobile accidents that

18 required medical attention.

19 A Well, where I was seen by? None of mine

20 actually required any treatment, but where I was

21 seen by a doctor, precautionary thing?

22 Q Yes.

23 A Just one.

24 Q Okay. Where was that?

25 A First of all I have never been on one in

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1 a privately owned vehicle, knock on wood.

2 I have been in three, I think, as a law

3 enforcement officer; one, two, three. Yes.

4 Q What was the nature of the injury that

5 you went to get checked out for?

6 A I didn't have an injury. It was just

7 policy. It was a fairly severe accident, but I
8 walked away from it. I was seat belted. I had no
9 complaints of anything. They just make you get
10 seen.

11 Q When did that accident occur?

12 A I think that was in '02 sometime.

13 Q And where did you get checked out?

14 A Lake Shore Hospital.

15 Q Have you ever been a plaintiff in
16 another lawsuit?

17 A No.

18 Q Did you give any statement to anyone
19 associated with the Columbia County Sheriff's
20 Office regarding your injury?

21 A Yeah. You mean like an official or
22 somebody walking up and saying what happened?

23 Q No. Official statement.

24 A It depends what you mean by official. I
25 mean, my supervisor asked me what happened. I

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1 don't know that he wrote anything down, or part of
2 an investigation, I don't think. It was out of

3 concern more than anything.

4 I mean, the sheriff asked me what
5 happened for that matter. I think it was more out
6 of concern than an investigation or anything. I'm
7 sure any time someone is injured, there is usually
8 an incident report written, and of course there
9 are workers' compensation forms filled out.

10 Q Let me show you this notice of injury
11 form here. Take a quick look at that.

12 A Um-hum.

13 Q That's the type of form that normally
14 would be filled out in connection with the
15 workers' compensation injury?

16 A Yes.

17 Q And then there is a lieutenant that
18 signed it there. Who is the lieutenant?

19 A Nydam. Lieutenant Ryan Nydam.

20 Q And then there's an incident report here
21 that appears to be prepared by Lieutenant Nydam on
22 January 17, 2004?

23 A Yes.

24 Q Do you know of any other formal
25 paperwork that was prepared by the sheriff's
135

1 office relating to this incident?

2 A I'm sure there's some workers'
3 compensation documents. I'm sure there's a lot.

4 Q Was there ever a formal IA that you are
5 aware of?

6 A No.

7 Q Did you leave the Columbia County
8 Sheriff's Office on good terms?

9 A Oh, yeah.

10 Q Back in January of '04, did you have a
11 family doctor?

12 A No.

13 Q Was there any physician that you went to
14 see just for check-ups?

15 A I'm still trying to get a decent family
16 doctor. Half of them don't take new patients. I
17 am a fairly healthy person. I never had any major
18 illnesses.

19 For a flu-type thing, hurt knee, I went

20 to the Urgent Care clinic.

21 Q You don't have an internist or family
22 physician that you go to?

23 A No. No. No.

24 Q Let me run through some of the names of
25 the folks that you mentioned here in your

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1 interrogatory answers. John Gootee, he is a
2 friend of yours that has taken you to the doctors?

3 A Yes.

4 Q Is there anything else that he knows
5 about this?

6 A He can tell you different times that he
7 has seen my back hurting me, or something along
8 those lines.

9 Q And you got Deputy Alfred Coley Campbell
10 listed here, Tallahassee Capitol Police.

11 A He is not there anymore. Now I think he
12 is doing --

13 I heard --

14 I heard he is not there anymore, and he
15 is in the pallet business in Citrus County

16 somewhere.

17 Q The pallet business?

18 A Yeah. If you needed to get a hold of

19 him or find out where he is, you can find out. I

20 know some people that are friends of his.

21 Q There are some allegations in the

22 complaint regarding the Taser product and alleged

23 misrepresentation regarding the product, the

24 allegations in the complaint about that. They are

25 also in the interrogatory answers, some

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1 allegations about the product itself and

2 misinforming or overstating certain things on

3 behalf of Taser International. Okay?

4 A Um-hum.

5 Q First of all, are you aware that those

6 statements are contained in the complaint and also

7 in the interrogatory answers?

8 A Yes.

9 Q What I want to do is cover those with

10 you to see what personal information you have.

11 A Okay.

12 Q I understand that there are going to be
13 other witnesses that your attorneys may plan on
14 calling relating to these matters. I'm interested
15 in more personal information that you have.

16 A Sure.

17 Q There is a list of items that are
18 characterized as information defects. It says
19 "overstating the safety of Taser weapons based on
20 actual medical studies."

21 Do you have any personal information
22 regarding that allegation?

23 A I just believe that when we went to the
24 class that day, they dropped that pamphlet in
25 front of us. He started talking, and he

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1 emphasized that after the five seconds that there
2 would be no long-lasting effects, and that he just
3 kept selling that point. It made me believe that
4 it was very safe.

5 Q Do you know, though, for example, what
6 actual medical studies were performed?

7 A Direct knowledge, no. I heard some

8 things watching news reports or that sort of

9 thing, but no direct knowledge.

10 Q And likewise, you wouldn't know the
11 results of those actual medical studies that were
12 performed?

13 A No.

14 Q The second item here is "providing
15 misleading and/or misrepresenting information
16 regarding the nature and extent of the medical
17 studies performed to support the conclusion that
18 Taser weapons do not cause death or permanent
19 injury."

20 Do you have any information about that?

21 A Again, I don't know that Mitchell Gray
22 misrepresented. He may have been -- people might
23 have misrepresented to him.

24 But I believe I was misrepresented to
25 the fact that -- of the safety of it and the no
139

1 long-lasting effects.

2 Q This statement says that there was
3 misrepresentation or misleading information

4 provided regarding the nature and extent of

5 medical studies performed.

6 A Okay. I was told that there had been

7 medical studies performed. There were no details

8 of that, but it had been deemed safe.

9 Q Do you have any information regarding

10 the results from those medical studies?

11 A No.

12 Q Do you know what specific

13 misrepresentation or misleading information was

14 provided regarding those studies?

15 A My opinion or just --

16 Just my opinion, I was told as a result

17 of the medical studies, that I was told that it is

18 a very safe product and that there would be no --

19 there would be no injury associated with it, that

20 after the five seconds are up that you don't feel

21 it anymore.

22 Q Were you told that there was no

23 possibility for any injury?

24 A I remember being told there would be no

25 long-lasting effects. I just remember that. I

1 don't remember if he used the words possibility.

2 Q Were you told there was no chance that

3 you could be injured?

4 A He didn't tell me there was a chance I

5 could be injured. I don't think we even -- had

6 that conversation or that topic was brought up.

7 Q When the issue of medical studies was

8 being discussed, did you ask any questions?

9 A No.

10 Q The next allegation here is that "Taser

11 misinformed law enforcement agencies concerning

12 conclusions reached by other independent bodies

13 which have considered the potential injuries which

14 could be inflicted by weapons utilizing electric

15 current."

16 Do you know what misrepresentations or

17 misinformation have been provided by Taser in that

18 regard?

19 A I just have my opinions, the one I

20 already stated a couple times about that.

21 Q Well, what I'm asking for is not

22 necessarily your opinion, but facts.

23 A Do I have any hard facts or paperwork of

24 medical studies or things, no, I don't,

25 personally.

141

1 Q What I'm asking for, there is an

2 allegation that Taser misinformed law enforcement

3 agencies about studies that other independent

4 bodies had done. Okay. That's the allegation.

5 A I don't have any information about

6 independent body or studies that were done.

7 Q "Overstating the number of volunteers

8 who actually received a hit from the Taser weapon

9 without injury," do you have any facts that would

10 support that?

11 A I know they did tell us how many

12 volunteers. I don't remember the exact number. I

13 remember during the training him saying so many

14 law enforcement have been exposed to this and

15 there haven't been any injuries. I don't know if

16 that number was false. I just know that was the

17 number told to us.

18 Q Do you have any indication that that
19 number was overstated?

20 A No; I personally don't.

21 Q The next allegation, "misrepresenting
22 actual information known by Taser and DGG Taser,
23 Inc. regarding hits from Taser weapons received by
24 volunteers in a training setting which actually
25 caused significant and/or permanent injury."

142

1 Do you know of any specific
2 misrepresentations in that regard?

3 A No. I just know that I was told that
4 there had been a significant number exposed in
5 training and there had been no significant
6 injuries.

7 Q Exhibit F of your answers, "falsely
8 reporting information regarding the alleged role
9 of Taser weapons and causing or contributing to
10 the injuries or deaths of individuals receiving
11 hits from Taser weapons."

12 A False report, no, I don't have personal
13 knowledge of that.

14 Q Sub G is, "knowingly and intentionally
15 failing to inform law enforcement agencies and
16 their personnel of the inherent and/or known risks
17 associated with utilizing weapons utilizing
18 electrical current." Do you have any personal
19 knowledge of that?

20 A I believe that to be true.

21 Do I have any evidence, personal
22 evidence of that, I mean, I know I was injured
23 with it. I don't know if Taser is telling other
24 law enforcement agencies about my injury or
25 anything along that line. I have not been present
143

1 when someone from Taser has told somebody
2 something that I know is false. So that would be
3 the only way I could say for sure that I know
4 that's true.

5 MR. ROPER: Mark this as Defendant's

6 Exhibit 4.

7 (Exhibit No. 4 marked for
8 identification.)

9 BY MR. ROPER

10 Q Take a look at Exhibit 4 and let me know

11 once you had a chance to read through it.

12 A Okay.

13 Q First of all, you see on Exhibit 4 that

14 there is -- up top there appears to be a box,

15 "volunteer exposure" at the top, and some

16 information below that. Do you see that?

17 A Um-hum.

18 Q Do you recall on January 16, 2004 seeing

19 a Power Point picture with that information on it?

20 A No, I don't.

21 Q Do you recall specifically one way or

22 the other whether prior to your exposure a Power

23 Point picture with that information was shown to

24 the class?

25 A I was in the class for all of the class

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1 presentations up until I went to the hospital, so

2 I guess no.

3 Q So your testimony is that this slide

4 regarding volunteer exposure was not shown to your

5 class prior to your exposure?

6 A No. My testimony is I don't remember
7 every single slide that was shown. We were handed
8 this packet when we walked in there, and it was
9 40-pages long. He started talking. I didn't read
10 the whole packet. I was listening to the
11 instructor. I'm saying I don't remember seeing
12 this.

13 Q So it could have been shown, but you
14 just don't remember one way or the other?

15 A I don't remember seeing it.

16 Q Do you see on the bottom of the slide,
17 it says volunteering is highly recommended but is
18 not manditory?

19 A I see that on this sheet, yes.

20 Q Do you recall seeing that on the day of
21 your injury?

22 A I can't tell you I remember seeing --

23 I couldn't say any one of the slide.

24 It's been two years. I don't remember seeing it
25 on the day of my injury.

145

1 Q Once again, are you saying it wasn't

2 shown or you just don't remember?

3 A I'm saying I don't remember.

4 Q Do you recall being told that

5 volunteering is recommended but not mandatory?

6 A Again, I'm not saying it wasn't. I'm

7 saying I don't remember.

8 I was under the impression that I didn't

9 have an option. I remember thinking that this is

10 something I had to do, but I don't remember the

11 specific language.

12 Q And you cannot testify here today under

13 oath that on January 16, 2004 the instructor told

14 you that it was mandatory for you to be exposed to

15 the Taser device?

16 A I don't remember specific words. So, I

17 guess under oath I could not say that -- the

18 instructor said I had no choice but to do it.

19 Q Do you see also there that there is a

20 caution statement associated with exposure to the

21 Taser?

22 A Where are you referring to?

23 Q The heading that says caution.

24 A Yes. Yes. In the box. Okay.

25 Q And it states "subjecting yourself to
146

1 the Taser involves physical exertion similar to an
2 athletic injury such as playing a game of
3 basketball."

4 A Yes.

5 Q Do you recall being told that on
6 January 16, 2004?

7 A I don't remember. I could have been.

8 Q Do you also recall being told the risk
9 of injury from physical exertion or falling while
10 very low is not zero?

11 A Could have been.

12 Q Would it be fair to say that if you had
13 seen this slide, which is Exhibit 4, on
14 January 16, 2004, prior to you being exposed to
15 the Taser, that you would have been on notice that
16 exposure to the Taser did involve a risk of
17 injury?

18 A Well, I would have said -- I would have

19 read it and said it was similar to activities such
20 as playing a game of basketball. I played
21 basketball a lot. I would not assume from reading
22 that I would be subject to injury. I mean,
23 anything is possible. A spaceship could fall out
24 of the sky -- there is not one up now. A rocket
25 could fall out of the sky and come in here and hit
147

1 us in the head, that's possible.

2 Saying a game of basketball, I wouldn't
3 assume a risk of injury, if I'm going to go out
4 and play a game of basketball.

5 Yes, if I fall, obviously if you fall,
6 it's possible you could get hurt.

7 Q Well, it does say "the risk of injury
8 from physical exertion or falling while low is not
9 zero," correct?

10 A That's what it says, yes.

11 Q Would it be fair to say if you had seen
12 this slide then you would have known that there
13 was a risk of injury from being exposed to the
14 Taser?

15 A No, I wouldn't assume that from seeing
16 the slide. He told us we would not be falling,
17 that we would be held up. I knew that wouldn't be
18 the case. I wasn't worried about falling down.

19 And he is associating it or comparing it
20 to the game of basketball. I played a lot of
21 basketball, never been hurt, never seen any of my
22 friends hurt playing basketball.

23 Q Are you aware of anyone ever being hurt
24 playing basketball?

25 A Personally, I've seen players on TV get
148

1 carried off of the basketball court.

2 Q Would it be fair to say that prior to
3 January '04 you were aware that there was a
4 potential risk associated -- physical risk
5 associated with any sporting activity, including
6 basketball, correct?

7 A Well, there is a risk of me walking out
8 to my car. There is a risk getting up in the
9 morning, going to work, slipping in the bathtub.
10 There is a risk being alive, pretty much. So,

11 yes, there is a risk in everything.

12 Q At what point does that risk become

13 unreasonable?

14 A Well, that's a hard question to answer.

15 Q Is playing basketball an acceptable

16 risk?

17 A I don't consider basketball a risk.

18 When you should have known or when you

19 knew it was likely that you would be injured or

20 good likelihood you would be injured if you do

21 this, that's to me when it becomes unacceptable.

22 Q If the risks from Taser exposure are

23 approximately one eighth of what they would be

24 from reported injuries from basketball, would the

25 risk from being exposed to a Taser be an

149

1 acceptable risk to you?

2 A That depends if you are asking me before

3 or after I get hurt.

4 Q Before you get hurt.

5 A If you play the odds game, it's unlikely

6 that it will happen to me. I am not happy with

7 the word acceptable. I really don't know how --

8 I am having trouble truthfully answering
9 your question.

10 Q Let's back up a second.

11 You know generally, just in your scheme
12 of knowledge, that it's possible that someone can
13 get injured playing basketball, correct?

14 A There's a small possibility.

15 Q Sure. And knowing that possibility and
16 that risk, you have in the past played basketball
17 voluntarily, correct?

18 A Yes.

19 Q Because from your perspective it is an
20 acceptable risk?

21 A Well, it is an acceptable risk, because
22 the likelihood of -- I don't have statistics, but
23 injuries that I've ever seen playing basketball on
24 TV are pulled muscles, minor sprains, something
25 that you are fine with -- you get over in a few

150

1 weeks.

2 Q You certainly know that there are

3 athletes who have been injured playing basketball

4 that have severe injuries, right?

5 A Very, very rare. I don't know of any.

6 I am assuming that there are probably a few out

7 there.

8 Q And presumably the risk from exposure

9 from a Taser is less than those reported from

10 basketball injuries, you would agree with me, do

11 you not, that the risks associated with exposure

12 to Taser would be an acceptable risk?

13 MR. MOYE: Object to the form. Lack of

14 foundation.

15 Two, it's vague in terms of what

16 injuries we are speaking of.

17 BY MR. ROPER

18 Q Let me change gears for a second. Let

19 me ask a slightly different question. I don't

20 want to argue with you over this point.

21 Do you know of anyone prior to

22 January 16, 2004 who was exposed to a Taser, was

23 in the same general physical condition as you that

24 sustained a similar injury to you?

25 A No. No.

151

1 Now, I know that now. On that day or

2 now?

3 Q Let's start with on that day.

4 A No.

5 Q Now, do you know anyone --

6 A Not personally. But I have heard --

7 Q Let me finish.

8 Do you know of any person prior to

9 January 16, 2004 who was exposed to a Taser, was

10 in the same physical condition as you and

11 sustained a similar injury to you?

12 A With all that criteria?

13 Q Yes.

14 A Prior to 2004, no.

15 Q What information?

16 MR. MOYE: Someone injured prior to '04.

17 BY MR. ROPER

18 Q Injured prior to '04.

19 A From the Taser?

20 Q Yes.

21 A I cannot say I wasn't watching a news
22 clip. I don't remember anything in my situation,
23 similar physical stature to me getting injured in
24 the manner I did before my injury. No, not that I
25 know of. That's before me.

152

1 Q Right.

2 A I know of some of those injuries now,
3 but I did not know of them on that day, 2004, if
4 that's what you are asking.

5 Q No. It is a slightly different
6 question. I will try to clarify it because the
7 question wasn't clear and I can understand your
8 confusion.

9 Do you know of anybody that was injured
10 before you were injured because of exposure to a
11 Taser involving the same type of injury that you
12 had?

13 A I know from either the news or from
14 different -- the internet some people had similar
15 injuries to me. I'm not certain on the dates that
16 they received their injuries.

17 Q The first thing is you are not sure if
18 anybody was injured before you that had a similar
19 injury, correct?

20 A Correct. I know this now.

21 Q I don't care about when you knew it.

22 A Just period --

23 Q You know it as of today?

24 A As of today.

25 Q As of your knowledge today?

153

1 A Got you.

2 Q You believe that there are other people
3 out there that have similar injuries to you?

4 A Yes.

5 Q You don't know if they occurred before
6 or after your injury?

7 A Correct.

8 Q And you don't know if they were in
9 similar physical condition to you or not?

10 A Correct.

11 Q What information do you have about other
12 people that sustained similar injuries?

13 A I just know there was specifics. I
14 heard there were several officers that received
15 similar injuries. I heard of an officer in
16 Arizona.

17 Q Mr. Powers?

18 A I don't know the name. I think that
19 sounds right, but I'm not sure.

20 Q The one with the extensive osteoporosis?

21 A I think so.

22 Q The one that the jury found that the
23 Taser was not at fault for?

24 A I saw that in a news article relating to
25 that.

154

1 Q Who else?

2 A The one that --

3 Whatever his name is.

4 Q The co-plaintiff in this case?

5 A The co-plaintiff in this case.

6 Q Anyone else?

7 A I heard there's other officers, but I
8 have no details or names or anything about that.

9 MR. ROPER: Could you mark this as

10 Defendant's Exhibit Number 5 for me.

11 (Exhibit No. 5 marked for

12 identification.)

13 Q Mr. Jewett, I have given to you a copy

14 of a document that I marked as Exhibit 5 to your

15 deposition. It is a three-page document.

16 Let me ask you to look at the third

17 page. Look back at the first page of the document

18 for me.

19 A The very first page.

20 Q Certification, lesson plan, version

21 10.1?

22 A Mine says version X 1 or X.

23 Q I may have given you the wrong one.

24 That's okay. I think it is the same.

25 It says version ten?

155

1 A Mine says version X.

2 Q Roman numeral X?

3 A I got you. Version ten.

4 Q If you can turn to page three of the

5 document; about halfway down.

6 A Athletic exertion.

7 Q Do you see there is a statement

8 regarding athletic exertion? Do you recall being

9 told that on January 16, 2004?

10 A No, I don't recall getting this or being

11 told.

12 Q Once again the same question as before.

13 Are you saying that you were not told

14 that specifically or you just don't recall one way

15 or the other?

16 A I don't recall hearing that.

17 Q Have you ever spoken directly with any

18 employee of Taser at any time?

19 A Other than --

20 Well, I don't think the instructor was a

21 direct employee. I think he was a contractor with

22 DGG. So my answer would be no.

23 Q During the time that you were a

24 defensive tactics instructor, have you ever had a

25 student in your class injured in any way?

1 A I don't think so. I mean, I'm not

2 saying it is impossible.

3 Again, I'm not the lead instructor. It

4 would not have been my responsibility to fill out

5 paperwork for the injury.

6 Aside from them coming in the next day

7 saying they are sore, but that's to be expected,

8 and we don't consider that an injury, so my answer

9 would be no, I don't remember any.

10 Q Were you ever present in any training

11 where another person was injured during any sort

12 of training?

13 A You have to remember I've been a law

14 enforcement officer for 13 years. I have been to

15 a lot of training. I can't think of any specific

16 incidents, but I wouldn't be surprised if there

17 wasn't.

18 Q Was there anybody else other than

19 yourself that was injured in any way during the

20 training that took place on January 16, 2004?

21 A I was present up until I left the

22 hospital, was the only time I was present, so not

23 that I know of.

24 Q Have you heard through the grapevine

25 that anybody else was injured later on?

157

1 A Not that I can remember.

2 Q Since January 16, 2004, have you served

3 as an instructor for the Taser product?

4 A No.

5 Q You haven't instructed anybody at the

6 sheriff's office?

7 A No.

8 Q You were involved I believe tangentially

9 in the investigation regarding the use of a Taser

10 and a suspect by the name of Woolfolk, does that

11 ring a bell with you, Columbia County Sheriff's

12 Office took a gentleman by the name of Woolfolk

13 into custody?

14 A Oh, I'm thinking about when I worked

15 there. Yes, since I've been at the state

16 attorney's office. Yes, very much on the fringes.

17 Yes, technically I was involved with

18 that.

19 Q Tell me what your involvement was.

20 A There was what could be construed as an

21 in-custody death in Columbia County. I was

22 actually probably 70 miles away on the firing

23 range with the state attorney's office. We

24 received a phone call that they wanted -- the

25 sheriff's office requested a state attorney come

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1 due to there being a possible in-custody death.

2 As a result of that, it would be

3 protocol for me as the investigator to accompany

4 that prosecutor. It took me an hour, maybe even a

5 little bit longer to get there.

6 When I got there, the sheriff's office

7 was on the scene. There was Florida Department of

8 Law Enforcement officers there. They were the

9 lead investigators on it. I asked or offered my

10 assistance to the FDLE agents. I'm trying to

11 think.

12 The only thing I did was they asked me

13 to go to the hospital and take some pictures. I

14 think when I went to the hospital, I think there

15 was a detective there, and he was taking the

16 pictures. I was there, but I didn't take the

17 pictures.

18 So I was in and around, but I really

19 didn't do anything that I would deem substantial

20 in the investigation.

21 What was his name? One of the

22 investigators called me up and asked me if I knew

23 his girlfriend's name, the deceased guy's

24 girlfriend's name. He just asked me that. They

25 are in Live Oak. I am in Lake City. I think he

159

1 thought I knew it. I said, no, I could probably

2 find out. I don't remember how I found out. I

3 think I got -- I think I made a phone call,

4 someone told me her name, and I called him back

5 and told him her name.

6 And then I believe our office -- someone

7 called our office -- an attorney called our office

8 and asked that I -- asked what I had done. I told

9 my office supervisor basically what I just told

10 you. They said something about don't contact the
11 girlfriend anymore, so I never contacted the
12 girlfriend. Okay, I don't have a problem
13 contacting her anymore, because I never contacted
14 her to begin with.

15 I haven't heard anything about that
16 since.

17 Q Did you prepare any kind of written
18 report?

19 A No.

20 Q And when you went to the hospital, did
21 you have any contact with any family member of
22 Mr. Woolfolk?

23 A I am assuming since he was there, that
24 they were probably there. No, I didn't talk to
25 any of them. If you say contact, maybe, you know,

160

1 coming in and out of the door possibly. That I
2 know of, no conversations.

3 Q And did you ever have any conversations
4 with the medical examiner in that case?

5 A Not that I know of.

6 Q Have you ever discussed that case with

7 any of the deputies that were on the scene and

8 involved in subduing Mr. Woolfolk?

9 A The only thing is Jeff Coleman, who was

10 in the training class with me, he was one of the

11 officers that was on the scene. I don't remember

12 or know if he fired his Taser or what his

13 involvement was. I remember they were trying to

14 take this guy in custody for an ex parte order, if

15 I remember right. That might not have been true.

16 It has been a long time. I don't remember.

17 He was there and he was present. He

18 asked me a few months ago if there had ever been a

19 final determination as a review by the state

20 attorney's office or criminal charges. I told him

21 I thought they declined to file it on that a long

22 time ago. I didn't know it was still pending. He

23 said, I need to go to a deposition. They said it

24 was still pending. I said I didn't know anything

25 about it.

161

1 If you consider that a conversation

2 about it per se, but he asked me if I knew

3 anything about the possibility of a criminal

4 charge, and I said I have no clue.

5 Q Did you ever do any sufficient

6 investigation to form an opinion one way or the

7 other regarding the role of the Taser in

8 connection with the death of Mr. Woolfolk?

9 A I don't have enough facts to even make a

10 determination on that case.

11 Q You don't know ultimately what the

12 medical examiner concluded?

13 A I have no idea what toxicology showed.

14 I don't have enough facts.

15 Q Have you had any conversation with

16 Mitchell Gray since January 16, 2004?

17 A That I know of, I have not seen nor

18 spoken to him since when I walked out of that

19 classroom to go to the hospital.

20 Q Did you speak with anyone other than

21 Lieutenant Brewington prior to going to the Taser

22 training in January of '04?

23 A About going to the training?

24 Q Did anyone else ask you to go? Did the
25 sheriff ask you to go, anybody else ask you to go?
162

1 A They just --
2 He just came up to me, and I knew they
3 were looking to bring the Taser program to the
4 sheriff's office and ask me to go. I took that to
5 mean that I have been doing a lot of training with
6 the sheriff's office, and I took that to mean that
7 they needed me to go. It was a request. I can't
8 remember anybody else asking me or anything. I
9 can't say no for sure. I can't remember.

10 Q Have you ever been exposed to the Taser
11 on any other occasion?

12 A No.

13 Q What do you do for recreational
14 activities for fun?

15 A I have three kids, young kids. That
16 pretty much eats most of my time up.

17 Q Are you a fisherman, hunter?

18 A I like to fish, that's something I have
19 not been able to do a lot of because of my back

20 because of standing up. I used to go out on the
21 flats, like out of Horseshoe Beach. I still go
22 occasionally, but it's limited, because it hurts
23 my back too bad. I used to lift weights a lot. I
24 still get in the gym some, but now it's more --

25 The doctors have told me that it is a
163

1 double-edge sword with it. They said it is not
2 going to make it worse right now per se if I was
3 to go lift weights.

4 They told me I can't do any kind of
5 squats, nothing that will put direct pressure
6 straight down on my spine. However, they told me
7 that the more I can get in exercise, not just into
8 a weightroom or gym, get that muscle stretched out
9 and work that muscle, it's going to hurt it more
10 now, in other words I will be sore from doing
11 that, but their hope is that in the long-term if I
12 do this now it won't hurt me as bad ten years from
13 now.

14 So what I have to do now, I go in the
15 gym, and it is more therapeutic stuff, a lot of

16 stretching, a lot of light weights to try to keep
17 that muscle from being all stove-up and
18 contracted.

19 Q What kind of exercises do you do for
20 that purpose?

21 A You name it. Well, strictly for my
22 back, I do rows. I do rows, lightweight rows,
23 where it stretches your back out pretty good and
24 contracts your back. I can't do pull ups; that
25 hurts my back. I can do the machines, pull down,
164

1 where you pull the bar down to you, again lighter
2 weights. That's pretty much the two exercises I
3 do that help with that -- helps with the spasms.

4 Q And how often do you go to the gym?

5 A It varies. It depends on work and
6 responsibilities at home. When I say this, I will
7 give you an average; two times a week.

8 Q Is there a particular gym that you go
9 to?

10 A M&M Fitness. It is just like the candy.
11 I'm sorry. I changed. I was having a

12 conversation with somebody about M&M Fitness

13 yesterday.

14 Future Fitness.

15 Q Do you have a membership?

16 A I have been at Future Fitness ever

17 since -- like seven years ago.

18 Q Do you have a membership there?

19 A Yes.

20 Q And that's in Lake City?

21 A Yes.

22 Q What street?

23 A 1st Street, or Main. I think they call

24 it Main now.

25 Q Do you work out with a trainer there?

165

1 A No.

2 Q What else do you do for entertainment or

3 fun?

4 A My kids. I mean, occasionally, you

5 know, I'll go hunting. I mean, twice a year I'm

6 lucky if I get to do that.

7 The weekends are, you know, yard work,

8 the kids. I have a pool. We spend a lot of time
9 in our pool out back in the summer.

10 Q Do you carry a firearm as part of your
11 employment now?

12 A Yes.

13 Q Were you required to qualify with your
14 firearm?

15 A Yes.

16 Q It is my understanding you also had some
17 coverage with Afleck that paid some of your bills?

18 A Yes. Well, it's paid directly to you.

19 I'm not sure if you are familiar with
20 Afleck. Depending on the injury, you get a
21 certain amount. For an MRI you get a certain
22 amount. For physical therapy, you get a certain
23 amount. It wasn't a lot of money.

24 MR. ROPER: That's all I got.

25 Thank you very much.

166

1 MR. MOYE: I do have just a few
2 follow-up questions, if I may.

3 CROSS EXAMINATION

4 BY MR. MOYE

5 Q Mr. Jewett, January 2005, you moved from

6 Columbia County Sheriff's Office to the state

7 attorney's office as an investigator?

8 A Correct.

9 Q When you left the sheriff's office, you

10 were a sergeant?

11 A Yes.

12 Q Your dress code was what when you were

13 on duty?

14 A For the position I was in, full uniform,

15 green uniform with a badge, gun belt and body

16 armor.

17 Q Is that a flat jacket or body -- some

18 kind of body protection, bullet-proof vest?

19 A Yes. It is a class-three bullet

20 resistant vest.

21 Q You wear that uniform?

22 A Yes.

23 Q A duty belt, do you know what that is?

24 A Yes.

25 Q A duty belt for a law enforcement

167

1 officer at Columbia County Sheriff's Office when

2 you were there consisted of what?

3 A Two and a half inch leather belt. And

4 then I will tell you the mandatory things was

5 obviously the weapon and holster, magazine holder

6 which held two magazines.

7 Q Loaded?

8 A Loaded. Radio holder with radio. A

9 handcuff, with handcuff. A flashlight ring, and

10 then if you were certified in pepper spray, pepper

11 spray. I think that was all that was mandatory.

12 Now there are things like a pouch to hold my

13 cellphone that I had to have, a knife on my belt.

14 Q How about the Taser weapon?

15 A The Taser weapon, I forget that. Yeah.

16 That made it real crowded, because it was big. It

17 was on the belt.

18 Q Did this belt have a double protrusion

19 of metal to keep it in place to buckle it with?

20 A Yeah. It was almost, for lack of a

21 better way to describe it, like a Santa Claus type
22 buckle. There was like a metal bar and two prongs
23 that hook over the top. From the front it looks
24 like it is buckled a normal way. In reality, it's
25 not.

168

1 Q Fully loaded as you were, how much did
2 that weigh?

3 A An estimate, 20, 25-pounds. It was
4 pretty heavy. Fully loaded, radio, flashlight,
5 all that stuff, the Taser, and that's just a
6 guess. I never actually loaded it. I would say
7 25-pounds.

8 Q How about the body armor, how much does
9 it weigh?

10 A I would say 3 to 5 pounds.

11 Q After your injury, after you returned to
12 work, were you able to make it through a complete
13 shift with this gear on?

14 A I made it through some shifts. Not
15 without it hurting. Not without pain.

16 Q When you left in January of '05, could

17 you make it through -- could you work five

18 straight days --

19 Did you work 12-hour shifts?

20 A Twelve-hour shifts.

21 Q Could you work full-week shifts,

22 whatever it was, with a full set of gear on and

23 get through without taking breaks?

24 A No.

25 Q By breaks, I don't mean lunch breaks --

169

1 A No. As a matter of fact, especially on

2 day shift, usually about 3 o'clock -- 5:00 in the

3 morning to 5:00 in the afternoon, 6:00 in the

4 morning to 6:00 in the afternoon; at 2:00 or 3

5 o'clock, it would not be uncommon, people would

6 see me in my office with my vest off having to sit

7 down in my office.

8 Q And when is it that the pain was most

9 acute, riding in the car, standing?

10 A It varies. It's not --

11 Typically it's standing for long periods

12 of time, that's with that stuff on.

13 Again, stress. It just depends on

14 what's going on. But the longer I work, typically

15 the worse it would be.

16 Q It had become worse over time between

17 March and December of '04.

18 A It varies. It's hard to say. It got

19 worse, because it was pretty bad to begin with. I

20 don't know. It's really hard to say whether it

21 got worse or better.

22 Q You provided testimony regarding the use

23 of the Taser gun yourself twice on apprehension.

24 Did you have the assistance of your subordinates

25 during those -- both of those instances?

170

1 A Both instances there was at least one

2 other officer. The incident with the guy that had

3 the fugitive in his office, I believe there was

4 like three other officers there.

5 Q Now, your role in those arrests, I

6 believe you stated you fired your Taser weapon?

7 A Yes.

8 Q With regard to actually physically

9 handling the suspects, were you involved in that

10 part?

11 A No. No. Backup did the handcuffing and

12 all that.

13 Q When you left the sheriff's office in I

14 believe January of 2005, did you feel confident in

15 your abilities to take down a suspect in say a

16 crime scene, leaving the scene, burglary,

17 something of that nature?

18 A No; I still don't. I would be leery

19 about going to the ground or anything that

20 physical to fight with somebody. I haven't done

21 it -- I couldn't tell you the last time I had to

22 actually physically take somebody to the ground.

23 I don't think I have done it since my injury. I

24 would be afraid to do that.

25 If I had to, I would do it. Who knows

171

1 what would happen afterwards.

2 Q During that nine-month period following

3 your return to work after your injury, did you try

4 to avoid putting yourself in that position?

5 A As much as I possibly could.

6 Q Prior to your injury, on 1/16/04, what
7 were your plans as a law enforcement officer?

8 A To ride up the ranks of the sheriff's
9 office. You know, that was my -- at least the
10 plan right in front of me.

11 Especially when I finished my college
12 degree, I had looked at things like FDLE, Federal
13 Government, possibly. I hadn't really made any
14 definitive this is it, this is all. I was keeping
15 my options open. But my immediate goal was ride
16 up through the ranks of the sheriff's office.

17 Q Does each of those successively higher
18 ranks carry more pay and more responsibilities?

19 A Of course.

20 Q Now, where you are now with the state
21 attorney's office, can you rise through the ranks,
22 if you will?

23 A No. There is no ranks. There's no
24 promotions there.

25 Q Let me ask you, did you leave the

1 Columbia County Sheriff's Office because you

2 thought physically you needed to?

3 A That was the majority -- the main

4 reason.

5 Q Do you miss anything about being a

6 supervisory law enforcement officer?

7 A Of course I miss it. That's what I did

8 for 13 years. That's what I did in the military.

9 I love doing the supervisory work in the streets.

10 That's what I like to do. I'm not saying I hate

11 my job now, but that's what I like to do. Yeah, I

12 miss it.

13 Q I take it in your present job you don't

14 have subordinate troops, that type of thing?

15 A No.

16 Q You were asked about long-term plans.

17 You stated perhaps being able to one day return to

18 law enforcement in a command capacity?

19 A Um-hum.

20 Q Normally in law enforcement agencies

21 where does the --

22 Command is the wrong word. Give me the

23 right word. Where does that command level begin?

24 A Lieutenant. It depends on the agency,

25 what they consider command staff. Generally

173

1 lieutenant and above is considered command staff.

2 Q Would that be the progression from

3 sergeant to lieutenant?

4 A Yes.

5 Q And then to what?

6 A Captain.

7 Q Majors?

8 A Yes.

9 Q When you answered that question earlier

10 regarding becoming a member of the command staff

11 in the law enforcement agency, were you implying

12 working your way up through the ranks as a law

13 enforcement officer?

14 A No, I don't work there anymore.

15 About the only way it will happen is if

16 either myself or -- either I will get elected to

17 sheriff or somebody else gets elected to sheriff

18 and then appoints me into a position.

19 Q Elected or appointed position?

20 A Correct.

21 Q Is that what you meant when you

22 responded to the question earlier?

23 A Yeah.

24 Q About --

25 A You asked me what my ultimate goal would

174

1 be; that's what it would be. I don't know whether

2 it will happen or not.

3 Q I take it one requirement is a ballot

4 box, correct?

5 A One of them.

6 Q Or very close friend it would take to

7 get that appointment?

8 A Correct.

9 Q With regard to Exhibit 1, these

10 photographs, have you seen -- when the wires were

11 attached to you, were you bare shirted, without a

12 shirt on?

13 A No. It was over my shirt.

14 Q So that wire was actually taped to your

15 uniform shirt?

16 A No. I wasn't in uniform, I know that

17 for sure. I believe I had on a standard polo

18 shirt, polo -- not the brand Polo, but to describe

19 the shirt.

20 Q Pull-over cotton shirt?

21 A Yeah. With a collar.

22 Q When did you first realize that you had

23 these burn marks?

24 A When I got home, I think. I don't

25 remember. Well, I figured they were there,
175

1 because I saw other people -- I saw Ali get

2 Tasered, and then some other people at the

3 sheriff's office told me that it leaves a tiny red

4 mark that goes away in a few days.

5 Q Ali was actually shocked with the gun?

6 A Yes.

7 Q That's where they provided a block of

8 instruction on how to remove the barbs?

9 A Yes.

10 Q Where did the barbs enter his body or

11 skin?

12 A It was his back. I don't remember
13 specifically. I don't remember how far apart they
14 were or where exactly on his back that they hit.
15 I believe they were pretty close to the center,
16 maybe 12 inches apart. But, again, it's been two
17 years. I'm not sure.

18 Q Now, have you seen the marks left on
19 other people having been Tasered in the fashion
20 that you were with the wires taped to the shirt?

21 A Seen? I don't think I've seen. I've
22 never gone to the training. I never went -- as an
23 instructor, I never instructed after this and was
24 never present at the training. I can't say
25 anybody has ever showed me. There were people

176

1 that told me what their injuries are.

2 Q Has anyone seen your injuries who has
3 undergone the same kind of training and provided a
4 comparison?

5 A Yeah. There have been people that have
6 seen my photos. They have not seen my injuries,

7 they have seen the photos.

8 Q Photos of --

9 A Of the burns.

10 Q Of Exhibit 1 here?

11 A And they said that there's nothing like
12 that, they had never seen anything like that.

13 Q And did they describe the marks left on
14 their bodies?

15 A They told me they were small, red --
16 just small and red, looked like a mild burn.

17 Q The one on the upper left shoulder looks
18 like it actually penetrated the outer layers of
19 the skin.

20 So I don't misstate what's in the photo,
21 do you recall that wound to your shoulder, looking
22 at it in the mirror or otherwise?

23 A My back was hurt, so I wasn't doing a
24 whole lot of looking over my shoulder for a long
25 time. But I looked --

177

1 Pictures were taken, and then I looked
2 at the pictures. So it's kind of a hard place to

3 actually see. In the mirror I saw, yeah.

4 Q It looks like a hole in your shoulder?

5 A Yeah. It bled. It didn't bleed as much

6 that day, or at least that I remember, but it bled

7 for several weeks after that.

8 Q And this photograph you think was taken

9 within no more than two or three days?

10 A Maximum of 48 hours.

11 Q Now, the Taser wire that's taped to the

12 shirt in your case, I'm not very husky, but I'm

13 wondering how is it that the -- is the wire

14 actually touching your skin in any way when you

15 underwent this testing?

16 A Directly?

17 Q Yes.

18 A I don't see how. I had a shirt on.

19 They didn't pull the shirt up. I don't see --

20 Q They didn't tape the wire through the

21 threads?

22 A Not that I know of. I think I would

23 have felt that.

24 Q How about the shirt, was it burnt?

25 A Not that I remember.

178

1 Q Was the shirt tight against --

2 I can see on your shoulder, on your left

3 hip. Was the shirt tight against your skin?

4 A It is a standard shirt. Not this type

5 of shirt. It was a polo shirt. It was a standard

6 fitting shirt. It wasn't like a form-fitted

7 shirt. It's hard for me to say that exact spot,

8 that exact moment. I don't think it was tight up

9 there. It shouldn't have been.

10 Q The lieutenant that informed you about

11 the training class, I don't want to put words in

12 your mouth, you were instructed to attend this

13 training?

14 A Yes.

15 Q Is this the person that normally gave

16 you instructions if special assignments -- if you

17 were assigned -- given special assignments?

18 A He was the lieutenant, so he routinely

19 told me to do things or things that needed to be

20 done.

21 Q Was he routinely your supervisor that
22 gave you those kinds of instructions?

23 A The way it is set up, there are two
24 lieutenants over the patrol division, Brewington
25 and Nydam. They may overlap. I could get

179

1 instruction from either one of them. Who filled
2 out my evaluation, usually that was Lieutenant
3 Ryan Nydam. It would not be uncommon for
4 Lieutenant Josh Brewington to also supervise me.

5 Q How much before the actual training
6 session were you made aware that you would be
7 going to it?

8 A It wasn't long. Weeks maybe, if I
9 remember right.

10 Q In a situation like that, would it be
11 training away from the department, or from the
12 sheriff's office -- who is responsible for sending
13 a list of attendees or things of that nature?

14 A Whoever was --

15 It depends on the type of class and in

16 what area it falls under. Probably one of the
17 patrol lieutenants. I don't know. I am assuming
18 since Lieutenant Brewington was the one getting
19 people to go and take care of the registration, I
20 am assuming it would be him.

21 Q Were you provided any materials that you
22 could go through in preparation for the upcoming
23 training?

24 A No.

25 Q Now, the materials, and I think some of
180

1 them have been -- copies of materials have been
2 provided, Exhibits 4 and 5. You were given those
3 materials at what point in the training, if you
4 recall?

5 A I believe right at the beginning, when
6 we sat down he handed them out.

7 Q What was the format of the training?
8 Were you in the classroom?

9 A Yes. Lecture for the majority of it.
10 There was also hands-on practicing, showing the
11 guns were on the table and manipulating the Taser,

12 showing us how to reload it, take the batteries in

13 and out.

14 Q I take it there were several blocks to

15 this instruction?

16 A Yes.

17 Q After being given a block, would you

18 have a practical application?

19 A Yes. Like he would go over verbally how

20 to take the batteries in and out, and then we

21 would do it. Yes.

22 Q So during that time, where was your

23 attention directed?

24 A Either at the instructor in front of us

25 or at the weapon doing -- or if we were standing

181

1 up doing something --

2 Q Did anyone give you an opportunity to

3 read the materials, did you have like a reading

4 session, if you will, before the classes began to

5 familiarize yourself with the materials?

6 A It was 30, 40-pages long. We didn't

7 have time to read the whole thing.

8 Q Did you go straight into instruction?

9 A Yeah. It went straight into

10 instruction.

11 Q You were asked, and I believe this is

12 Exhibit Number 4, it is your testimony today you

13 don't recall having seen this exhibit before,

14 which is a page out of -- proffered to be some

15 kind of manual?

16 A It was 30 or 40 pages of stuff. I

17 didn't have a chance to read it all. I am saying

18 I don't remember seeing it.

19 Q Again, what was your impression with

20 regard to being exposed to the Taser weapon,

21 Tasered with it, if you will, what was your

22 understanding with regard to that evolution or

23 event as it related to getting your instructor

24 certification?

25 A My understanding, you had to be exposed

182

1 to it in order to be an instructor. There was

2 some people in the class that had already been

3 exposed that were refreshing their certificate and

4 they didn't have to be because they had been. I

5 remember him telling them they didn't need to do

6 it because they had been. I was under the

7 impression that as -- to get the instructor

8 certification that you needed to be exposed.

9 Q Do you recall him stating if you have

10 done this before or been exposed to it before you

11 don't need to be exposed to it again?

12 A Yes. That might have been in response

13 to a question by one of the students that had been

14 exposed. I remember him making a statement there

15 was no need in them having to do it again if this

16 had already been.

17 Q You were asked whether or not you recall

18 being directly told you must attend -- you must be

19 exposed in order to get your certificate. You

20 don't really recall those exact words?

21 A No, I don't remember him saying that I

22 had to do it to get my certificate.

23 Q Do you recall him stating that it was,

24 putting it the other way, that it was voluntary,

25 or if you would like to get Tasered, you may, but

1 it's strictly voluntary, you don't have to do it?

2 A He definitely didn't say that.

3 Q You were asked about what decision

4 process you might have gone through had you been

5 made aware of the potential or likelihood for a

6 injury. It was compared to that of playing a

7 basketball game as set forth in Exhibit 4. Have

8 you ever known anybody --

9 Have you ever been injured playing

10 basketball?

11 A No.

12 Q Have you ever known anyone to sustain

13 compression fractures to the thoracic vertebrae

14 while playing basketball?

15 A No.

16 Q Now, with regard to the likelihood of

17 making a decision with regard to whether or not to

18 participate in the activity and likelihood of

19 injury from that participation, would you also

20 consider the likelihood or the degree of injury?

21 A Of course.

22 Q Had you been informed that there was,
23 albeit a minor or remote possibility of sustaining
24 serious back injury but nevertheless that
25 possibility, would you have reconsidered your
184

1 involvement in this Taser exercise?

2 A Yes. Definitely.

3 Q Do you have a yard at home?

4 A Yes. I own 5 acres.

5 Q Do you mow it?

6 A I keep --

7 Well, I have to mow it, yeah. I can't
8 afford somebody else to do it, and my wife isn't
9 going to do it. I keep about three and half,
10 maybe four of it mowed.

11 Q I take it you have a riding lawnmower?

12 A Yes.

13 Q Since your injuries, has this become a
14 more difficult chore for you to accomplish?

15 A Most definitely. If I had to single out
16 one thing that really sends my back into a stint,
17 it is the lawn mower in the summer.

18 Q Now, you are required to carry a firearm
19 in your present job?

20 A Yes.

21 Q You are still a sworn law enforcement
22 officer?

23 A Correct. Yes.

24 Q Is there any concern with regard to
25 taking large amounts of pain medication and
185

1 carrying a firearm?

2 A Yeah. I mean, I don't --

3 I won't take the pain medicine while I'm
4 working, not while I'm carrying a gun. You never
5 know what could happen. Even though it is
6 unlikely, you still never know.

7 Q If the pain becomes one of those
8 episodes where it is more severe and you are at
9 work and you, of course, have your gun, what is it
10 that you do then?

11 A If at all possible, I go home.

12 Q Do you have an option with regard to
13 whether or not you carry a firearm at work?

14 A There's no policy that says we have to.
15 There are some of the investigators that don't.
16 But my position on that is I worked in Columbia
17 County for 13 years, I put a lot of bad people in
18 jail, sent a lot of bad people in prison for a
19 long time, people that I routinely see, people
20 that know me, are routinely around, and I feel
21 like I need to for protection. I am a law
22 enforcement officer and they know that. I don't
23 feel like I have an option.

24 If you ask my boss if I had an option, I
25 don't know what he would say, probably that I did.
186

1 Q When you are away from the office out in
2 the field investigating, are you required to carry
3 your firearm?

4 A Again, I don't know if there is a policy
5 that says that I am, but I feel like I am. I
6 don't feel -- most law enforcement officers I
7 think would say the same thing.

8 Q Do you recall the state attorney's
9 office when they are in the field conducting

10 investigations, do they carry their firearms?

11 A I believe they do.

12 Q I take it you are plain clothes

13 capacity?

14 A Yes.

15 MR. MOYE: That's all I have.

16 REDIRECT EXAMINATION

17 BY MR. ROPER

18 Q I have a couple follow-up questions.

19 Do you have arrest powers?

20 A Yes.

21 Q And what types of crimes or criminal

22 activity generally are you investigating?

23 A Okay. It depends on different circuits

24 do things different ways as far as it comes to the

25 state attorney investigators.

187

1 I have the same powers that the law

2 enforcement officer that drives a patrol car down

3 the street has. If I see somebody committing a

4 crime outside, I have the power to arrest them.

5 For a practical matter, 99.9 percent of

6 my duties involve post-arrest investigation,
7 preparation for trial, witnesses that disappear I
8 try to find, things that come up after arrest that
9 we didn't know about before, they need somebody
10 interviewed, I do that kind of stuff.

11 Occasionally I will get involved in a
12 criminal investigation from the ground up; that's
13 rare. If I do that, it is more of a paper crime,
14 frauds.

15 For instance, right now I'm working a
16 case where an old gentleman paid for a new engine
17 in his truck and they didn't put a new engine in.
18 I'm working on proving that. So most of my stuff
19 is post arrest in the office. Occasionally,
20 though, it depends on any given day.

21 Q I got you.

22 With respect to the manner in which the
23 leads were attached to your shirt, were they just
24 taped on there with like medical tape or something
25 like that?

1 A I want to say it is duct tape, but I'm

2 not 100 percent sure.

3 Q You are saying that the instructor

4 actually cut the lead where the probe was?

5 A I believe how they removed that, I don't

6 know.

7 I believe when he showed us, if I

8 remember right, how to remove them, then how to

9 dispose of them in the Sharp's container, or

10 whatever it may be, and then it was to bare the

11 wires with nothing on the end of them that were

12 then taped. That's how I remember it.

13 Q So the wires didn't have like an

14 alligator clip or something like that on it that

15 was attached to you?

16 A I'm pretty sure taped. Again, it's been

17 two years. I thought I remembered it being taped.

18 Q Was it taped so just the very end of the

19 lead was attached to your body or was it --

20 A It was behind me.

21 Q It was hard for you to tell?

22 A Hard for me to tell.

23 Q It was the instructor that taped it to

24 you?

25 A I believe so. Yeah.

189

1 Q Now, I want to make sure I understand

2 exactly the circumstances. I don't want to be

3 mistaken on this.

4 Were you asked if you would participate

5 in the training or were you instructed that you

6 had to participate in the training?

7 A Well, it's not like, you know, there is

8 a general and I'm like a private in the Army and

9 they give out formal orders. You know, around

10 there, or around obviously most places you have a

11 work relationship with your supervisors.

12 They come to me and they said, hey, we

13 need you to go to this Taser instructor class to

14 be a Taser instructor. I said okay. I took it as

15 they are telling me to go.

16 What would have happened if I said no, I

17 think they probably would have -- they asked me to

18 do things before and I have just done them. I

19 think he asked me to do it and I did it. You

20 know, I took it as they were telling me to go.

21 Q But you were asked to go as opposed to

22 you contacting them and saying I would like to be

23 certified as a trainer?

24 A I did not contact them. They approached

25 me and asked me to go to the training.

190

1 Q If I needed to get a copy of the

2 sheriff's office Taser policy, who would I contact

3 about getting that?

4 A Probably the best thing to do would be

5 your office has already been in contact I believe

6 with a woman named Beverly Jackson, who is the

7 human resources records keeper for the sheriff's

8 office. I believe she would be the best one to

9 contact. She would either handle it for you or

10 she would put you in the right place.

11 Obviously they have a policy. I don't

12 know that is the policy that was in effect a year

13 ago or two years ago.

14 A new sheriff took office. You need to

15 be aware that the policy, while it may be the

16 same, it may also be different. I have not

17 reviewed it.

18 MR. ROPER: Those are all the questions

19 I have.

20 I guess the other thing is a

21 housekeeping matter.

22 Since I have not had a chance to go

23 through these records, if there's anything in

24 there that would necessitate me asking a few

25 more questions of Mr. Jewett, I would like to

191

1 reserve the right to do so. I don't

2 anticipate it. I haven't had a chance to go

3 through the employment records and there may

4 be something that I need to follow up with

5 you on, but it is unlikely.

6 I appreciate your time.

7 (Thereupon, the deposition was concluded

8 at 4:05 p.m.)

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192

1 CERTIFICATE OF OATH

2

3

4

5 STATE OF FLORIDA)

6 COUNTY OF LEON)

7

8

9 I, the undersigned authority, certify

10 that said designated witness personally appeared

11 before me and was duly sworn.

12

13

14 WITNESS my hand and official seal this

15 19th day of April, 2006.

16

17

18

19

20

21

JUDY CHIN, RPR, CRR

22

1-800-934-9090

850-878-2221

23

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193

1

2

CERTIFICATE OF REPORTER

3

4 STATE OF FLORIDA)

5 COUNTY OF LEON)

6

7 I, JUDY CHIN, Registered Professional

8 Reporter, certify that the foregoing proceedings

9 were taken before me at the time and place therein

10 designated; that my shorthand notes were

11 thereafter translated under my supervision; and

12 the foregoing pages numbered 1 through 191 are a

13 true and correct record of the aforesaid

14 proceedings.

15

16 I further certify that I am not a

17 relative, employee, attorney or counsel of any of

18 the parties, nor am I a relative or employee of

19 any of the parties' attorney or counsel connected

20 with the action, nor am I financially interested

21 in the action.

22 DATED this 19th day of April, 2006.

23

24

JUDY CHIN, RPR, CRR

Notary Public

25 1-800-934-9090
850-878-2221
194

1 I have read the transcript of my deposition, pages
2 1 through 191, and hereby subscribe to same,
3 including any corrections and/or amendments listed
4 below.

5 _____

6 Date: JOHN JEWETT

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8 Page/Line Correction/Amendment Reason for Change

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23 Date of Deposition: April 12, 2006

24 Reporter: Judy Chin, RPR, CRR

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3 ACCURATE STENOGRAPHY REPORTERS, INC.

2894 Remington Green Lane

4 Tallahassee, Florida 32308

(850) 878-2221

5

6 April 14, 2006

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DAVID W. MOYE', ESQUIRE

8 822 North Monroe Street

Tallahassee, Florida 32303

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10 Dear Mr. Moye':

11 Re: JJ and JB v DGG Taser

12 This is to advise you that your witness did not
waive reading and signing of his deposition.

13

14 Please have your witness read his copy of your
transcript, noting corrections/changes on the

15 errata sheet, or date and sign the errata sheet,
and return the original errata sheet to MR. ROPER

16 within the next 30 days or before the final trial
in this matter, whichever comes first.

17

18 Sincerely yours,

19

20 JUDY CHIN, RPR, CRR

21 Enclosures (Errata Sheet and Transcript.)

22 cc Counsel of Record

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